NWT Plain Talk
On Land and Self-government
October 2000

Meeting aspirations for self-government in the NWT

The people of the NWT face important challenges over the next few years. As in other parts of Canada, we need to meet Aboriginal aspirations for self-government. The way we do so must work effectively in our communities, regions and territory as a whole. The way our communities are made up means that Aboriginal and public governments need to work together to make the North a better place for all to live.

In August 1995, the Government of Canada launched a process to negotiate practical arrangements with First Nations to make self-government a reality. This process is based on the view that the inherent right of Aboriginal self-government already exists within the Canadian Constitution, 1982.

Under this approach, Aboriginal groups negotiate the details of self-government in areas where they wish to develop arrangements that would better meet their needs, cultures and values. This could include a variety of subjects, including health care, child welfare, education, housing, and economic development.

Canada's recognition of the inherent right of self-government does not mean sovereignty in the international sense. Aboriginal people will continue to be Canadian citizens, and Aboriginal self-government will operate within the Canadian federal system. The Canadian Charter of Rights and Freedoms will apply to Aboriginal governments, as it does to other governments in Canada.

Finding the right approach in the Northwest Territories may not be easy. But it is critical if we intend to create a system of government that is seen to be legitimate and that reflects respectful relationships amongst peoples and governments.

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In the NWT, five Aboriginal groups are negotiating self-government right now:

- In 1993, the Inuvialuit and the Gwich'in decided to work together to jointly negotiate regional public government for the Beaufort Delta region, signing a Framework Agreement in 1996.
- Déline is progressing toward an Agreement-in-Principle on self-government, on the basis of a Framework Agreement and the Government of Canada's commitment in the Sahtu Dene Métis Comprehensive Land Claim Agreement to negotiate with Sahtu communities on a community by community basis.
- In 1999, the Dogribs signed an Agreement-in-Principle that was the first to include self-government as part of land claim negotiations north of 60.
- The Akaitcho Territory Dene First Nations recently signed a Framework Agreement that outlines the negotiation process for an agreement on land, resources and governance.

Portrait of a Celebration

Photo: Clayton Babullie

Emelie Liske joins Dettah Drummers Gary Lacorne, Bobby Drygeese and Goldie Liske.

Photo: Clayton Babullie

Elder Louise King signs the Akaitcho Territory Dene First Nations Framework Agreement.

Photo: Lee Gagnon

Chief Peter Liske (N'Dilo), Minister Bob Nault (Indian and Northern Affairs Canada) and Chief Rick Edjericon (Dettah) chat by the water. Chief Edjericon wears the original medallion from the Treaty 8 signing of 1900.

Photo: Lee Gagnon

Eddie Lafferty accompanies a visitor who offers blessings or 'sage'.

Photo: Clayton Babullie

Jon Antoine (MLA Nahendeh) signs the Framework Agreement while Chief Matthew Coon Come (Assembly of First Nations), Chief Bill Erasmus (Dene Nation) and other dignitaries witness the event.

Photo: Clayton Babullie

Peter Chokoduhurst drums for the crowd.

Photo: Clayton Babullie

Lutsel K'e's J.C. Catholique, George Marlowe and Albert Boucher participate in the handgames.

Photo: Clayton Babullie

Hilda Lenoir (with Aurora Babullie) receives treaty payment from an RCMP member in Fort Resolution.

Photo: Clayton Babullie

Chief Felix Lockhart (Lutsel K'e), Chief Don Babullie (Deninu K'ue), Chief Rick Edjericon (Dettah), Chief Peter Liske (N'Dilo), unveil one of the plaques of the day.

Treaty 8 Centenary and Akaitcho Framework Signing, Fort Resolution, July 25, 2000.

Danny Gaudet

Shaping the future of Deline

Photo: Sharon Clarke

Chief negotiator for Déline, Danny Gaudet, would like to see government simplified for the people of Deline. He says self-government is the best solution for Déline, because he thinks that, for a community of its size, Déline is over-governed.

Déline is a Dene/Métis community of some 850 people, located on the shores of Great Bear Lake in the Sahtu Region. The Sahtu Dene have the right to negotiate self-government on a community by community basis through the terms of the Sahtu Dene and Métis Comprehensive Land Claim Agreement.

"My main concern is to preserve the land, the water, and the resources so that we can share it with others in the future," explains Gaudet. "We live right here on Great Bear Lake, and soon, fresh water will become one of the most valuable resources in the world. We need to manage it carefully and respectfully."

Gaudet also feels strongly about making sure the people of Déline are ready to take on self-government. "When we visited other groups who had negotiated self-government, we noticed that everybody spends a lot of time and energy negotiating the agreements. But at the end of the day, they are not ready to implement them. We have to encourage people now to go to school, and to get trained, so that the right people are in the right places once we have an agreement. That way we can start feeling the benefits right away."

Déline has taken significant steps to start building the capacity and expertise necessary to manage their own affairs. They have begun coordinating and streamlining existing computer systems, and upgrading and standardising the software needed to develop centralised registry and accounting systems. And as Gaudet put it, "We are linking computer systems in the community, so that I can communicate directly with the Chief, and the whole organization can start communicating more."

With the ongoing support and advice of three elders and two advisors who sit at the negotiating table with him, Danny Gaudet is helping shape the future of Déline. "This is for the youth. I took a group of our young people up to Aklavik, and another group over to Russell Bay recently so that I could talk to them about who they are, where they came from, and what their role will be in the future. It is important that we maintain our culture."

Self-government negotiations are proceeding on the basis of a Process and Schedule Agreement signed between Canada, the Government of the Northwest Territories, the Déline Band and the Déline Land Corporation on October 14, 1998. And so far, negotiations are going very well. Déline anticipates an Agreement-in-Principle on self-government by next spring.

Akaitcho Territory Dene Chiefs Sign Framework Agreement

Photo: Clayton Balsillie

Pierre Marlowe signs the Akaitcho Territory Dene First Nations Framework Agreement while Steven Nitah (MLA Tu Nedhé) and Chief Felix Lockhart (Lutsel K'e) look on.

On July 25, 2000, 100 years after Akaitcho Chiefs first travelled to Deninu K'ue to negotiate and conclude Treaty 8, Akaitcho First Nation Chiefs once again gathered to commemorate the centenary and to sign a Framework Agreement with the federal and territorial governments.

Well over 1,000 visitors, dignitaries and chiefs assembled in an impressive log arbour to honour the occasion. Akaitcho Chiefs were dressed in black suits with gold and red braid, much like the ceremonial clothing worn by their ancestors on the day Treaty 8 was signed in 1900.

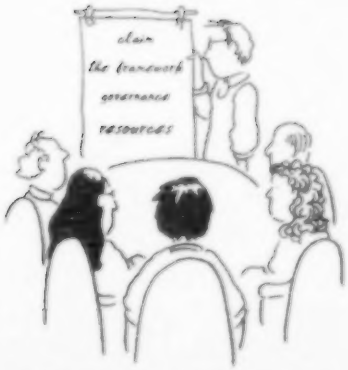
"As we go into this process, we are thinking about our lands, and the future of our children's children."
– Chief Don Balsillie (Deninu K'ue)

The signing of the Akaitcho Territory Dene First Nations Framework Agreement is a significant step in the negotiation process on land, resources and governance. The Framework Agreement outlines the main subject matters, process and timing for negotiations of an Agreement-in- Principle. Now that the framework agreement is signed, talks can continue towards an Agreement-in-Principle.

"We have worked hard to accomplish the goals of our peoples," Akaitcho Chief Don Balsillie said. "When our ancestors negotiated and concluded the treaty at Deninu K'ue in 1900, our chiefs and elders were thinking about us. As we go into this process, we are thinking about our lands, and the future of our children's children."

Approximately 2,400 Dene live in the Akaitcho Treaty 8 communities of Deninu K'ue, Lutsel K'e, N'Dilo, and Dettah.

The Negotiation Process



The negotiation process usually involves three parties: the Government of Canada, the Government of the NWT, and the Aboriginal group making a claim. Each negotiation is unique, reflecting the needs, desires and processes of those at the table. However, most negotiations proceed through several distinct stages.

Submission of claim: The claims process begins with the preparation of a statement of claim and appropriate supporting materials by the claimant group. It should include a description of the geographic area that the claimant group traditionally used, and continues to occupy. It also should include a description of the claimant group, identifying the bands, tribes or communities on whose behalf the claim is being made, as well as approximate population figures, linguistic and cultural affiliations.

Acceptance of claim: The Government of Canada reviews the claim and advises the Aboriginal group whether Canada is prepared to open negotiations. If the answer is no, reasons are provided in writing. If the answer is yes, the claim is accepted and the process proceeds to the next step.

Framework Agreement: At the first stage of negotiation, the groups involved agree on issues to be discussed, how they will be discussed, and on deadlines for reaching an Agreement-in-Principle.

Agreement-in-Principle: This is the stage that the parties negotiate the issues set out in the Framework Agreement. Reaching an Agreement-in-Principle (AIP) often takes longer than any other stage in the negotiation process. The AIP should contain all the major elements of the eventual Final Agreement.

Final Agreement: A Final Agreement is the outcome of successful land claim and/or self-government negotiations. It details agreements reached between the Aboriginal group, the NWT and Canada on all issues at hand, including resources, self-government, financial benefits, and land ownership. A Final Agreement must be ratified by all parties.

Implementation: A process is put in place to ensure that what the parties agreed to, is, in fact, done. The implementation plan is monitored and managed by a tripartite committee.

Did you know . . .

Self-government negotiations with Aboriginal groups residing on a land base must address the rights and interests of non-members residing on Aboriginal lands. This means that, where Aboriginal jurisdiction or authority over non-members is being contemplated, arrangements must be made in the self-government agreement to ensure that non-members have input into decisions that will affect their rights and interests.

On the web

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Various claims agreements:
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www.inac.gc.ca/pr/agr/index_e.html

Q. What new types of government are being discussed in self-government negotiations?

A. Self-government agreements may take many forms, based on the diverse historical, cultural, political and economic circumstances of the Aboriginal groups, regions and communities involved. In the NWT, community and regional public governments are being discussed in self-government negotiations. This approach takes into account the distinctive features of this territory, including the fact that most communities in the NWT have both Aboriginal and non-Aboriginal residents, and the fact that settlement lands under land claim settlements do not, in most cases, include the communities.

Do you have a question about land or self-government negotiations in the NWT? We'd be happy to provide an answer. Contact us at the address listed below.

Plain Talk is produced to provide general information on topics related to land claims and self-government. It is not a legal document.

We welcome your input!
Please direct questions or comments to:

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Published under the authority of the Minister of Indian Affairs and Northern Development Ottawa, 2000
http://www.inac.gc.ca

QS-Y137-000-EE-A1
Catalogue No. R72-284/2000E
ISBN 0-662-28568-9

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Cette publication peut aussi être obtenue en français sous le titre: ***Franc parler.***

Plain Talk on Land and Self-government is produced by the Department of Indian Affairs and Northern Development in the NWT to help northerners understand these concepts, how they work, and what they mean in our day-to-day lives.